

AUG. 18. 2003 11:29AM

JENKINS & WILSON

NO. 527 P. 1

## JENKINS, WILSON & TAYLOR, P.A.

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DATE: August 18, 2003

TO: Art Group Unit 1600 (for Group 1626)

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FROM: Arles A. Taylor, Jr. (ptw)

RE: Serial No. 10/044,315; Atty Docket No. 421/60/18/2

NUMBER OF PAGES TO FOLLOW: 4

If transmission is poor, or if you do not receive all pages, please  
call (919) 493-8000 as soon as possible.

COMMENTS:

**PLEASE DELIVER TO EXAMINER LAURA LYNN STOCKTON  
AS SOON AS POSSIBLE.**

**Attachment: Response to Restriction/Election Requirement  
(including Request for Extension of Time) (4 pages)**

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I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below.

Patty Wilson  
Date of Signature August 18, 2003

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Dykstra et al.

Group Art Unit: 1626

Serial No.: 10/044,315

Examiner: Stockton, Laura Lynn

Filed: January 11, 2002

Docket No.: 421/60/18/2

Confirmation No.: 6772

For: COMPOUNDS, METHODS AND COMPOSITIONS USEFUL FOR THE  
TREATMENT OF BOVINE VIRAL DIARRHEA VIRUS (BVDV)  
INFECTION AND HEPATITIS C VIRUS (HCV) INFECTION

\*\*\*\*\*

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is responsive to the Restriction/Election Requirement dated June 18, 2003, having a 1-month term for Response that expired on July 18, 2003. Applicant's hereby request a One Month Extension extending the deadline to August 18, 2003. Please charge Deposit Account No. 50-0426 in the amount of \$110 to cover the extension fee. Favorable consideration is respectfully requested in view of the following Election and Remarks.

Application Serial No.: 10/044,315

RESTRICTION PRESENTED

The claims have been restricted into the following groups of inventions:

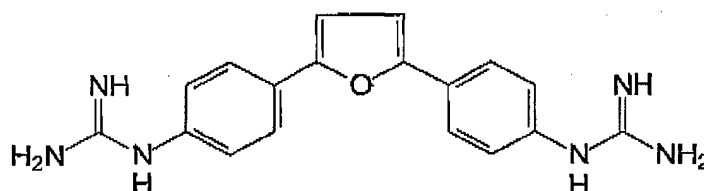
<u>Groups</u>	<u>Claims</u>	<u>Subject Matter</u>
I	1-17	Compound of formulas I and II.
II	18-25	Compound of formulas III and IV.
III	26-52	Compound of formulas V and VI.
IV	53-59	Method of treating BVDV with compound of formulas I or II.
V	60	Method of treating BVDV with compound of formulas III or IV.
VI	61-77	Method of treating BVDV with compound of formulas V or VI.
VII	78-83	Method of treating Hepatitis C with compound of formulas I or II.
VIII	84	Method of treating Hepatitis C with compound of formulas III or IV.
IX	85-100	Method of treating Hepatitis C with compound of formulas V or VI.
X	101-106	Method of treating Flaviviridae family virus with compound of formulas I or II.

APPLICANTS' ELECTION

Applicants hereby elect the invention of Group III, claims 26 through 52, drawn to compounds of formulas V and VI, for prosecution at this time. Accordingly, Applicants hereby cancel non-elected claims 1-25 and 53-106, while reserving the right to file related application(s) based on claims 1-25 and 53-106.

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Applicants hereby further elect the compound DB673 as set out in Table 1, page 8 of the specification and as shown below, as a representative species of the elected invention of Group III for use by the Examiner in initiating a search.



#### REMARKS

Claims 1-106 are now pending in the subject U.S. patent application. Claims 1-106 as filed have been subjected to a Restriction/Election Requirement.

In response to the Restriction/Election Requirement, applicants have elected the claims of Group III, claims 26-52, and representative species DB673 as shown above for prosecution at this time.

Applicants hereby reserve the right to file one or more divisional patent applications directed to the unelected subject matter.

#### CONCLUSIONS

Should there be any minor issues outstanding in this matter, the Examiner is respectfully requested to telephone the undersigned attorney. Early passage of the subject application to issue is earnestly solicited.

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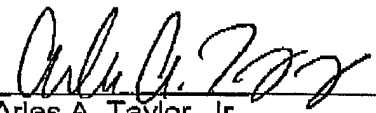
Deposit Account

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account Number 50-0426.

Respectfully submitted,

JENKINS, WILSON & TAYLOR, P.A.

Date: August 18, 2003

By:   
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Registration No.39,395

421/60/18/2 AAT/JD/ptw

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